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By

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4/28/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Knuth et al.
Serial No. : 09/165, 546
Filed : October 2, 1998
For : ISOLATED PEPTIDES CORRESPONDING TO AMINO ACID SEQUENCES OF NY-ESO-1, WHEREIN BIND TO MHC CLASS I AND MHC CLASS II MOLECULES, AND USES THEREOF
Art Unit : 1646
Examiner : Not Assigned

April 15, 1999

Hon. Commissioner of Patents
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Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT (37 CFR §1.56, §1.97)

In accordance with their duty of disclosure, applicants wish to make the accompanying references of record in this application.

U.S. Patent No. 5,084,381 to Chen et al. issued from Serial No. 08/725,182, described as the great grandparent of the subject application at page 2, line 6. The patent describes NY-ESO-1, and peptides which can be derived therefrom and which bind to MHC Class I molecules. The longer polypeptides necessary for Class II binding are not suggested.

U.S. Patent No. 5, 811, 519 to Lethe et al. teaches a the molecule, LL-1, which is also processed to peptides presented by MHC Class I Molecules. There is no teaching of polypeptides presented by Class II Molecules.

PCT Application PCT/US97/16335 is a published counterpart of Serial No. 08/937, 263, the grandparent of the subject application. Class II binding polypeptides are not described therein.

Chen, et al., "A testicular antigen aberrantly expressed in human cancers detected by autologous antibody screening," Proc. Natl Academy Science USA 94: 1914-1918 (March 1997) teaches the antigen NY-ESO1 and its expression pattern in various cancer types. Class II presentation is not discussed.

Futaki, et al., Naturally Processed HLA-DR 9/DR 53 (DR B1* 0901 /DR B4* 0101) - bound peptides, "Immunogenetics 42: 299-301 (1995) describes peptides which bind to a particular Class II allele.

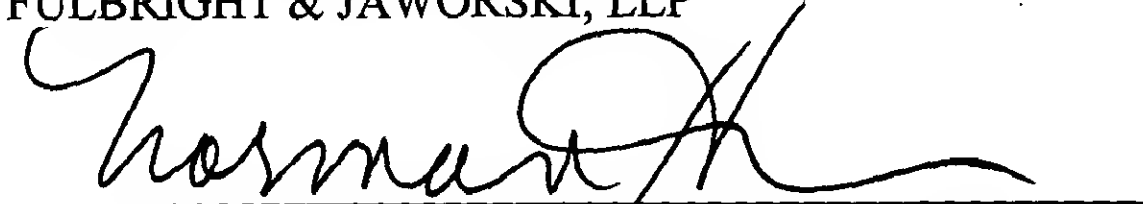
Drijfhout, et al., "Detailed Motifs Far Peptide Binding 10 HLC-A* 0201 Derived From Large Random Sets of Peptides Using Cellular Binding Assay," Human Immunology 43:1-12 (1995) describes how to determine Class I binding peptides.

D'Amaro, et al., "A Computer Program Far Predicting Possible Cytotoxic T Lymphocyte Epitopes Based on HLA - Class I Peptides Binding Motifs," Human Immunol 43: 13-18 (1995) is a companion paper to Drijfhout et al., supra.

It is believed that the claimed invention is patentable over these references, and a holding to this end is urged.

Respectfully Submitted,

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